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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/392,170	09/08/1999	MONIKA R. HENZINGER	200304479-1	9654

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EXAMINER

SHAH, SANJIV

ART UNIT	PAPER NUMBER
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2185

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/392,170

Applicant(s)

HENZINGER ET AL.

Examiner

Sanjiv D. Shah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-28, 30-32, 35-42 and 44-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-28, 30-32, 35-42, 44-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communication: Appeal Brief Filed on July 12, 2004
2. Applicant's arguments filed in appeal brief are persuasive and therefore rejection under 35 U.S.C. 103 is withdrawn. However upon further review following rejections are made.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 2-12, 15-19, 24-28, 30-32, 35-40, 42, 44-47, 52-53, 55-57 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As per claim 2, 9, 15, 16, 24, 25, 27, 28, 30, 37, 42, 52, 53, 55-57, Specification fails to describe claimed limitation of "responsive to occurrence of random event" and "responsive to non-occurrence of random event". Specification also fails to describe as to what the predetermined condition is and repeating the steps until condition is met.

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As per claims 3, 10, 31, Specification fails to describe "random event comprising generated random number falling within predetermined range".

As per claims 7, 35, 37, 38, 44, Specification fails to describe first and second predetermined condition.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 2-12, 15-17, 24-25, 27-28, 30-32, 35-40, 44-45, 52-57 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 2, either step (d) occurs or step (e) occurs. Therefore step (f) of repeating (d) and (e) renders claim indefinite. Claims 15, 24, 25, 27,28, 30, 55, 56 and 57 are rejected under same rational.

As per claim 6, concurrently performing second two level random walk with steps (a) through (F) renders claim indefinite because either step (d) occurs or step (e) occurs and they don't occur concurrently.

As per claim 8, A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite,

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since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. See MPEP § 2173.05(c). Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claim 8 recites the broad recitation adding the selected host and document and repeating steps (e1) through (e5), and the claim also recites step (e4) is performed responsive to host not in host set and step (e5) is performed responsive to document not in document set which is the narrower statement of the range/limitation. It is unclear whether steps (e4) or (e5) is performed and if they are not performed they cannot be repeated as required by step (e6). Claims 17, 36, 45, 54, are rejected under same rational.

As per claim 9, step e) is not positively recited to be occurring since preamble says that only subset of documents contains link and step (e) is performed responsive to non-occurrence of random event and selected document containing at least one link, step (c) through (e) cannot be repeated as claimed in step (f). Claim 52, is rejected under same rational.

As per claim 16, step (a7.4) recites repeating steps (a3)-(a8) but either a7 occurs or a8 occurs and therefore it renders claim indefinite. Claim 35, 37, 44, 53, is rejected under same rational.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

8. Claims 2-28, 30-32, 35-42, 44-62 are rejected under 35 U.S.C. 102(a) as being anticipated by Henzinger et al. (Measuring index quality using random walks on the web).

As best understood in view of 112 rejections following rejection applies.

As per claim 2, 27, Henzinger et al. teaches claimed invention of randomly walking through a HTML document, (See page 4, first paragraph) wherein document contains link to other document and is associated with host method comprising
Selecting a host and Selecting at random document associated with the host (See page 7, last paragraph and page 9, first paragraph)
Retrieving the selected document (See page 7, last paragraph, Page 9, first paragraph)

Selecting at random host from previously selected host and a document associated with host (See page 7, last three lines. Also see page 9, first paragraph)

Selecting random link in retrieved document (See page 7, Paragraph 3. Also see fig 1)

Repeating the step until predetermined condition is met (See page 9, second paragraph, wherein the predetermined condition is five consecutive redirects)

As per claims 3, 10, 31, 38, Henzinger teaches claimed invention of generating random number falling within predetermined range as described on page 6, lines 8-13)

As per claims 4, 11, 32, 39, Henzinger et al. teaches a document being a web page (Page 4, first three lines)

As per claims 5, 12, 40, since Henzinger teaches a web document, it is inherent that host corresponds to a domain.

As per claim 6, Henzinger teaches claimed invention of second random walk in parallel or concurrently as described on page 9, first paragraph.

Claims 7, 8, 9, 15, 16, 17, 24, 25, 28, 30, 35, 36, 37, 42, 44, 45, 52-57, are rejected under similar rational as claim 2. Additional limitations of adding host to host set and documents to documents set is described on page 8, second paragraph. As per claim 9 a second predetermined condition is described on page 9, second paragraph last line.

Regarding claims 13, 20-22, 26, 41, 48, 49, 50, 58, 59-62, Henzinger et al. teaches claimed invention of measuring relative quality of search engine index (See page 5, paragraph 2.4) comprising

Performing two level random walk among documents (Page 4, lines 1-7)

For each document encountered in random walk determining whether the document is indexed by search engine index (See Page 5, last two lines)

Aggregating the results (See page 4, last two paragraphs and Also See page 6, lines 8-9, wherein Henzinger teaches averaging the results)

Claim 14 is rejected under same rationale as claim 2.

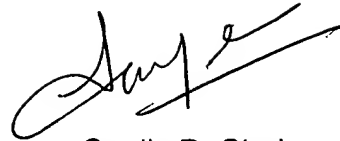
As per claims 18, 19, 46, 47, Henzinger teaches the claimed invention of
Selecting at least one word based on rarity, performing query based on selected word and determining whether the document is included in the obtained search results (See page 6, lines 18-24)

As per claim 23, 51, Henzinger teaches claimed invention of determining page rank value as described in page 5, line 17 equation of $R(p)$.

Any inquiry concerning this communication should be directed to Sanjiv D. Shah at telephone number (571) 272-4098.

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A handwritten signature in black ink, appearing to read 'Sanjiv D. Shah', with a stylized flourish extending from the end.

Sanjiv D. Shah
SPE
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